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9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009 - 42

13 **REBECCA GRACE FERE**

aka Rebecca Agee

14 aka "Bekki" Agee

1237 Citrus Avenue, #1

15 Chico, California 95926

16 Registered Nurse License No. 521144

17 Respondent.

**A C C U S A T I O N**

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19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the  
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
23 Affairs.

24 2. On or about April 15, 1996, the Board issued Registered Nurse License  
25 Number 521144, to Rebecca Grace Ferea, also known as Rebecca Agee, and "Bekki" Agee  
26 ("Respondent"). The license will expire on January 31, 2010, unless renewed.

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## JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

5. Code section 2761(a) states, in pertinent part, that the Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct.

6. Code section 2762 states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

7. Code section 2770.11 states:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by a committee. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

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1 (b) If a committee determines that a registered nurse, who is denied  
2 admission into the program or terminated from the program, presents a threat to  
3 the public or his or her own health and safety, the committee shall report the name  
4 and license number, along with a copy of all diversion records for that registered  
5 nurse, to the board's enforcement program. The board may use any of the records  
6 it receives under this subdivision in any disciplinary proceeding.

### 7 **COST RECOVERY**

8 8. Code section 125.3 provides, in pertinent part, that the Board may request  
9 the administrative law judge to direct a licentiate found to have committed a violation or  
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
11 and enforcement of the case.

### 12 **DRUGS**

13 9. "Methamphetamine" is a Schedule II controlled substance as designated by  
14 Health and Safety Code section 11055(d)(2).

15 10. "Marijuana" is a Schedule I controlled substance as designated by Health  
16 and Safety Code section 11054(d)(13).

17 11. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate also  
18 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and  
19 Safety Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.

20 12. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate also  
21 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and  
22 Safety Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.

### 23 **RESPONDENT'S TERMINATION FROM BOARD'S** 24 **DIVERSION PROGRAM AS A PUBLIC RISK**

25 13. On or about January 15, 2004, Respondent enrolled in the Board's  
26 Diversion Program. On or about March 26, 2006, the Diversion Evaluation Committee ("DEC")  
27 terminated Respondent from the Diversion Program for noncompliance/public risk due to the  
28 following:

a. On or about August 31, 2005, Respondent tested positive for  
Methamphetamine.

1 b. On or about February 3, 2006, Respondent tested positive for  
2 Methamphetamine.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Possessed and Self-Administered Controlled Substances)**

5 14. Respondent is subject to discipline under Code section 2761(a), on the  
6 grounds of unprofessional conduct, as defined in Code section 2762(a), in that while a licensed  
7 registered nurse, Respondent did the following:

8 a. On or about October 18, 2003, Respondent possessed Marijuana, a controlled  
9 substance, in violation of Code section 4060, in that she did not have a prescription for that  
10 controlled substance.

11 b. On or about October 18, 2003, Respondent self-administered Marijuana, a  
12 controlled substance, without the direction to do so from a licensed physician and surgeon,  
13 dentist or podiatrist.

14 c. On or about August 31, 2005, Respondent possessed Methamphetamine, a  
15 controlled substance, in violation of Code section 4060, in that she did not have a prescription for  
16 that controlled substance.

17 d. On or about August 31, 2005, Respondent self-administered  
18 Methamphetamine, a controlled substance, without the direction to do so from a licensed  
19 physician and surgeon, dentist or podiatrist.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Obtained and Possessed Controlled Substances)**

22 15. Respondent is subject to discipline under Code section 2761(a), on the  
23 grounds of unprofessional conduct, as defined in Code section 2762(a), in that on or about  
24 October 16, 2003, while employed as an Assistant Director of Nursing at Chico Creek Care and  
25 Rehabilitation, located in Chico, California, Respondent did the following:

26 a. Respondent obtained Vicodin tablets (108) and Norco tablets (30), controlled  
27 substances, by fraud, deceit, misrepresentation or subterfuge or by the concealment of a material

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1 fact in violation of Health and Safety Code section 11173(a), by taking the medication during the  
2 destruction process for discontinued medications.

3 b. Respondent possessed Vicodin and Norco, controlled substances, in violation  
4 of Code section 4060, in that Respondent did not have a prescription to possess those controlled  
5 substances.

6 **PRAYER**


7 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
8 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 521144, issued  
10 to Rebecca Grace Ferea, also known as Rebecca Agee, and "Bekki" Agee;

11 2. Ordering Rebecca Grace Ferea, also known as Rebecca Agee, and "Bekki"  
12 Agee to pay the Board of Registered Nursing the reasonable costs of the investigation and  
13 enforcement of this case, pursuant to Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 9/8/08

16   
17 RUTH ANN TERRY, M.P.H., R.N.  
18 Executive Officer  
19 Board of Registered Nursing  
20 Department of Consumer Affairs  
State of California  
Complainant

21 SA2008301553  
22 Accusation (kdg) 8/12/08  
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